D.B.CIVIL HEABEAS CORPUS PETITION NO.3967/2006
(Mahesh Kumar vs. State & Ors.)

Date of Order: 07.08.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE R.P.VYAS

Mr.Vineet Jain, for the petitioner

Mr.S.K.Vyas, Government Advocate

The instant habeas corpus petition has been filed by one Mahesh Kumar stating inter alia that he has married with Sapna the daughter of the 4th respondent on 12.5.2006 at Beawar in a temple of Arya Samaj. However, the 4th respondent has got a case registered against him. The police during investigation in the said case Sapna was produced before the Judicial Magistrate No.1, Jodhpur. The learned Magistrate has recorded her statement under Section 164 Cr.P.C. wherein she has admitted to have married with the petitioner. She denied the allegation of kidnapping. She had stayed with the petitioner on her own will. However, subsequently, Sapna has been detained by her parents. It is alleged that she is in unlawful custody of the 4th respondent.

This Court issued notices to the respondents on

28th July, 2006. However, Sapna has been produced before us by the police. We interrogated her in our Chamber. It is stated that she moved with Mahesh on her own will and desire but now she is not willing to go with him. She has done her B.A. & B.Ed. And wants to take up the job and career by staying with her parents. It is also stated that she was wrong in going with Mahesh against the wishes of her parents. She has expressed her desire to stay with her parents only.

We have given an opportunity to the petitioner to have interaction with Sapna. In view of aforesaid, it cannot be said that Sapna is in unlawful detention of the 4th respondent. It may be stated that Sapna is major being 24 years of age. Thus, she is entitled to move as per own choice.

The petition stands dismissed.

(R.P. VYAS), J. **(N.N.MATHUR), J.**

BKS/-